

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

CITY OF MILWAUKEE,

Plaintiff,

v.

HYUNDAI MOTOR AMERICA, and KIA
AMERICA, INC.,

Defendants.

The Honorable J.P. Stadtmueller

Case No.: 2:23-cv-00376-JPS

**DEFENDANTS' UNOPPOSED
CIVIL L.R. 7(h) EXPEDITED NON-DISPOSITIVE MOTION
TO EXTEND DEADLINES**

Defendants Hyundai Motor America and Kia America, Inc. (together, “Defendants”) hereby respectfully request that the Court stay this Action pending the decision of the Judicial Panel on Multidistrict Litigation (“JPML”) on Defendants’ Motion to Vacate Conditional Transfer Order.¹

On March 22, 2023, the City of Milwaukee (“Plaintiff”) filed the above-captioned action against Defendants alleging a claim for public nuisance premised on Defendants’ decision not to install or remedy their failure not to install engine immobilizers on certain Hyundai and Kia vehicles (the “Complaint”). That same day, Plaintiff filed a Notice of Tag-Along Action with the JPML—which has coordinated before the Honorable James V. Selna in the United States District Court for the Central District of California class actions brought on behalf of owners and lessees of certain Hyundai and Kia vehicles without engine immobilizers (the “MDL”).

On March 24, 2023, the JPML issued a Conditional Transfer Order (MDL No. 3052, Docket No. 155) that would have transferred this action to the MDL. Defendants filed a Notice of Opposition to the Conditional Transfer Order on March 31, 2023, and intend to file a Motion to Vacate the Conditional Transfer Order. Per the JPML’s briefing schedule, the Motion to Vacate must be filed on or before April 17, 2023, any responses must be filed on or before May 8, 2023, and any reply in support of the Motion to Vacate must be filed no later than May 15, 2023.

On February 7, 2023, Judge Selna held a case management conference in the MDL, and on February 9, 2023, Judge Selna issued “Order No. 2: Adoption of Organization Plan and Appointment of Counsel” (“CMO2”), in which he appointed Plaintiff’s counsel, Gretchen Freeman Cappio of Keller Rohrback L.L.P., as Chair of the MDL Governmental Entities Committee.

¹ The City of Milwaukee does not oppose this motion.

Defendants were served with the City of Milwaukee's Complaint on March 24, 2023, so their responsive pleading would be due in the normal course no later than April 14, 2023, and the default deadlines for holding a Rule 26(f) conference and for initial disclosures and a discovery plan are June 1 and June 15, respectively. Defendants deny Plaintiff's claim (and the claims of the MDL plaintiffs) and intend to file a Motion to Dismiss the Complaint pursuant to Federal Rule of Civil Procedure 12 and/or other challenge on the ground that the Complaint does not state a cause of action as a matter of Wisconsin law.

Defendants therefore respectfully request, and Plaintiff does not oppose, that (1) the April 14, June 1, and June 15 dates described above should be vacated and this Action stayed pending the JPML's decision on Defendants' Motion to Vacate; (2) if the Motion to Vacate is granted and this Action remains before this Court, Defendants' deadline to respond to the Complaint is extended to 30 days from the date the Motion to Vacate is granted, and that within 30 days from the date that the Motion to Vacate is granted, the parties will jointly propose a schedule for holding a Rule 26(f) conference, initial disclosures, and a discovery plan; and (3) if the Motion to Vacate is denied, and this Action is transferred to the MDL, the Parties agree that Defendants' time to respond to the Complaint, as well as other initial deadlines, should be set by an anticipated scheduling order in the transferee court.

Dated: April 14, 2023

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s/Daniel A. Manna

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